



Agenda Item Number: 2005-5-6A

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: May 24, 2005

Department: Zoning, Building, Planning
& Environmental Health

Staff Contact: Sanford Fish, Director
Julie M. Baca, Deputy County Manager,
Community Services Division

TITLE: Ordinance amending Chapter 46, Section 20, of the Bernalillo County Code, Impact Fees, to clarify language regarding refunds

ACTION: Convene a Public Hearing

Motion to adopt **Ordinance 2005 - _____** amending Bernalillo County Code, Chapter 46, Section 20, Impact Fees.

SUMMARY:

On April 26, 2005, the Board of Commissioners approved introduction and publication of proposed amendments to the Impact Fee ordinance. The proposed deletion of language in Section 20 (g) removes limits on the County's ability to accumulate adequate funds for many capital projects. Currently items such as fire equipment, drainage facilities or roadway improvements are funded by impact fees accumulated over several years. This would have to be curtailed if excess funds were returned on an annual basis.

The Impact Fee program is now in its ninth year of operation. Funds must be spent within seven years of collection. All funds collected to date have been used as required by County ordinance and State statute, so the proposed change does not affect anyone who paid impact fees in the first two years of the program.

ATTACHMENT:

1. **Ordinance 2005-_____**.

FISCAL IMPACT

None

STAFF ANALYSIS SUMMARY

COUNTY MANAGER

Staff recommends Board approval of these amendments to better utilize County Impact Fee funds in a more efficient manner. I recommend Board approval. TL 5/17/05

DEPUTY COUNTY MANAGER FOR COMMUNITY SERVICES

It is essential for the County to accumulate adequate funds for its capital outlay projects. Roads, drainage facilities and fire equipment are funded with these impact fees. I recommend Board approval. Julie Baca 04/11/05

DEPUTY COUNTY MANAGER FOR PUBLIC WORKS

The proposed Code revisions allow the accumulation of impact fee revenue for several years, as necessary to fund larger projects that cannot be funded from a single year's revenue. Many Public Works projects that include impact fees, as a portion of the anticipated funding, will be negatively affected if impact fee revenues must be spent on a yearly basis. TW 03/24/05

DEPUTY COUNTY MANAGER FOR PUBLIC SAFETY

Flexibility for fund utilization is critical. The cost of fire apparatus can exceed \$500,000. For example, the cost of an engine is \$660,000. It takes time to accumulate the needed funds for a purchase. I recommend approval of this item. J Dantis 3/3/05

LEGAL

The proposed amendment will enable the County to take a more long-term view in its infrastructure planning. Without the amendment, the County might be forced to spend impact fees funds in a piecemeal, shortsighted manner. PFT 3/30/05

FINANCE

Budget The suggested change to Section 46-20-g will align the County's ordinance with the intent of NMSA 1978 Section 5-8-17 Subsection C regarding refund of impact fee revenues not spent within seven years of date of collection. There will be no fiscal impact to Bernalillo County due to the proposed change. Geri Maestas, Budget Analyst Sr. 3/3/05

ELECTED OFFICIALS/OTHERS

Fire & Rescue Department

The Bernalillo County Fire Department has and will continue to benefit tremendously from the Impact Fee Ordinance. Unfortunately, we must accumulate additional revenue over a period of many years to replace our Fire Engines, Fire Stations, and other capital outlay. We believe that returning revenue to soon will leave the community at risk. We must ensure that we respond to the needs of the community with adequate equipment. Kent Hendrickson 3/21/05